

REMARKS

Applicants thank Examiner Sadula for the helpful and courteous discussion of September 17, 2003. During the discussion Applicants' U.S. representative presented arguments that the patents cited by the Office in the rejection of the present claims do not qualify as prior art.

In the Office Action on page 2 beginning at the third paragraph, including the paragraph bridging pages 2 and 3 and the second paragraph on page 3, the Office has objected to Claim 31 (Applicants assume that renumbered Claim 38 is intended). The Office has asserted that the term "mesogen" refers to a "rigid unit responsible for the liquid crystalline behavior". Applicants submit that chemical compounds such as polymerizable monomer units may include a mesogen unit within their structures; however, such compounds do not necessarily exhibit liquid crystalline behavior. Although a mesogen unit may be responsible for the liquid crystalline behavior in materials which exhibit liquid crystalline behavior, there is no requirement that a mesogen necessarily impart liquid crystalline behavior to a material if the mesogen is incorporated into the chemical structure of the material or is present as a physical mixture with the material.

Applicants have demonstrated that uncured mesogen-containing compounds may not be liquid crystalline in the Declaration under 37 C.F.R. § 1.132 filed with the Office on June 10, 2003. One of the materials for which non-liquid crystalline behavior is demonstrated is BP(C2)DA which has the chemical structure:



Ph = 1,4-phenylene group.

The uncured curable compounds, such as those of renumbered Claim 38, may contain a mesogen however they remain non-liquid crystalline. The mixture of Claim 24 must contain both a liquid crystal and an uncured curable compound. The uncured curable

compound is not required to be liquid-crystalline even though it may contain a mesogen unit (represented by Z in formula (1) of Claim 24).

The Office rejected Claims 24-27, 32-33, 35 and 38-39 under 35 U.S.C. § 103(a) in view of patents to Kubota (U.S. 6,128,056) and Tamura (U.S. 6,576,303). The Office further rejected Claims 24-39 under 35 U.S.C. § 103(a) in view of Kubota, Tamura and Hikmet (U.S. 6,171,518). The Office also rejected Claims 24-39 under 35 U.S.C. § 103(a) over Kubota and Kobayashi (U.S. 5,686,017).

Applicants traverse the rejections on the grounds that neither the Kubota nor the Tamura patents qualify as prior art to the claimed invention.

The present application is a PCT application filed under 35 U.S.C. § 371 on November 9, 1999. The U.S. effective filing date of an application filed under 35 U.S.C. § 371 is the PCT filing date (see MPEP § 1893).

The Tamura patent issued on June 10, 2003. The Tamura application was filed on August 24, 2000 and is a PCT application which was published on July 6, 2000 (WO 00/39063). Since the effective filing date of the present application is November 9, 1999, neither the Tamura reference nor the corresponding PCT publication can be prior art.

The Kubota patent issued on October 3, 2000. The Kubota application has a § 102(e) date of February 2, 1999. The Kubota reference is the national stage of a PCT application (PCT/JP98/02470) that published on December 10, 1998. The effective filing date of the present application is November 9, 1999.

The present application claims priority to three prior filed Japanese applications (10-298620; 10-298621; and 10-298624; each filed on November 20, 1998). Applicants will submit certified English translations of the priority documents. Applicants will thereby perfect their claim to priority and antedate the Kubota reference. Kubota is therefore disqualified as prior art to the present application.

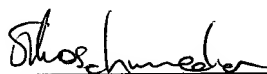
The rejection of the claimed invention are not sustainable at least because neither of the Kubota or Tamura patents qualifies as prior art to the claimed invention. Applicants respectfully request the withdrawal of the rejections and the passage of all now-pending claims to Issue.

The renumbering of the claims obviates the claim objections on page 2, paragraph 2 of the Office Action of July 3, 2003.

A drawing correction was requested by the Office in the Office Action of December 19, 2002. Applicants provided a letter submitting drawing replacement sheets with the filing of June 10, 2003. Copies of the letter, corrected drawings, and a date-stamped filing receipt evidencing the timely submission thereof are attached. Applicants respectfully request the Examiner acknowledge that the drawing corrections have been accepted in the next Communication from the Office.

Respectfully submitted,

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